

AO 133

(Rev. 8/06) Bill of Costs

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/17/11

## UNITED STATES DISTRICT COURT

Southern District of New York

JERMAINE NIBBS

## BILL OF COSTS

V.

THE CITY OF NEW YORK

Case Number: 10 Civ. 3799 (VM)

Judgment having been entered in the above entitled action on 9/29/2011 against JERMAINE NIBBS,  
the Clerk is requested to tax the following as costs:

**DOCKETED AS  
A JUDGMENT  
ON 11/17/11 #113221**

Fees of the Clerk .....	\$ _____
Fees for service of summons and subpoena .....	_____
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case .....	_____
Fees and disbursements for printing .....	_____
Fees for witnesses (itemize on page two) .....	80.00
Fees for exemplification and copies of papers necessarily obtained for use in the case .....	_____
Docket fees under 28 U.S.C. 1923 .....	20.00
Costs as shown on Mandate of Court of Appeals .....	_____
Compensation of court-appointed experts .....	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 .....	_____
Other costs (please itemize) ..... <b>DEPOSITION</b> .....	1,216.40
<b>Submitting Party Having Appeared and no opposition having been submitted.</b> TOTAL	\$ 1,316.40

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

## DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- ☐ Electronic service by e-mail as set forth below and/or.  
☐ Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney:

*Brian J. Farrar*

Name of Attorney:

Brian J. Farrar, Assistant Corporation Counsel

For: The City of New York

Date:

10/24/11

Name of Claiming Party

Costs are taxed in the amount of

\$ 1,316.40

and included in the judgment.

*RUBY J. KRATZ*  
Clerk of Court

By:

Deputy Clerk

*[Signature]*

Date

11/17/11

11/17/11  
10:00 AM

NOV 2 2011

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----  
**JERMAINE NIBBS,**

Plaintiff(s),

-against-

**THE CITY OF NEW YORK, ET AL.,**

Defendant(s).  
-----

Ind. No. 10 Civ. 3799 (VM)  
NOTICE OF APPLICATION  
FOR COSTS SOUGHT AGAINST  
PLAINTIFF  
**JERMAINE NIBBS**

**PLEASE TAKE NOTICE** that, upon defendants' bill of costs, the declaration of

Brian J. Farrar, dated October 24, 2011 and exhibit annexed thereto, and all other pleadings and proceedings herein, defendants will move this Court before the Judgment Clerk, at the United States Courthouse, for the Southern District of New York, located at 500 Pearl Street Room 120, New York, New York at 10.00 a.m. on November 17, 2011, or as soon thereafter as counsel may be heard for an order pursuant to Rule 54 of the Federal Rules of Civil Procedure and 28 U.S.C. 1921 granting fees and costs sought by defendants and granting such relief as to this Court deems proper.

Dated: New York, New York  
October 24, 2011

**MICHAEL A. CARDOZO**

Corporation Counsel of the City of New York  
Attorney for Defendants  
100 Church Street New York, NY 10007  
(212) 341-0797

By: 

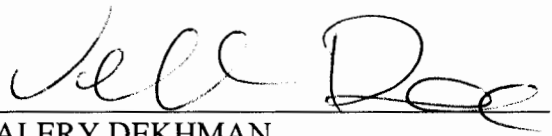
Brian J. Farrar  
Assistant Corporation Counsel

To: **Gerald M. Cohen, ESQ.**  
Cohen & Fitch, LLP  
225 Broadway, Suite 2700  
New York, NY 10007

**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NEW YORK, COUNTY OF NEW YORK, SS.:

I, Valery Dekhman, being duly sworn, deposes and says that on October 24, 2011, I served copies of the Bill of Costs; Notice of Application for Costs Sought Against Plaintiff; the Judgment; Declaration of Brian J. Farrar in Support of Defendants' Motion for Costs pursuant to Fed. R. Civ. P. 54; 2 Subpoenas in Civil Case; 2 Copies of the checks; Invoice # 11032210501 upon **Gerald M. Cohen, ESQ.**, the attorney for the Plaintiff **JERMAINE NIBBS**, by deposing copies of same, enclosed in a postpaid properly addressed envelope, in a post office box/official depository under exclusive care and custody of the United States Postal Service, located at 100 Church Street, New York, New York 10007, directed to said Attorney at Cohen & Fitch, LLP 225 Broadway ,Suite 2700 New York, NY 10007

  
VALERY DEKHMANN

Sworn to before me this

24<sup>th</sup> day of October , 2011

\_\_\_\_\_  
NOTARY PUBLIC

**MICHAEL J. GUY**  
Notary Public, State of New York  
No. 24-4894286  
Qualified in Kings County  
Commission Expires March 30, 2012





# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
JERMAINE NIBBS,

Plaintiff,

-against-

DET. GEORGE GOULART and  
UNDERCOVER OFFICER # 0077,

Defendants.  
----- x

**DECLARATION OF BRIAN  
J. FARRAR IN SUPPORT OF  
DEFENDANTS' MOTION  
FOR COSTS PURSUANT TO  
FED. R. CIV. P. 54**

10 Civ. 3799 (VM)

**BRIAN J. FARRAR** declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants Detective George Goulart and Undercover Officer #77. As such I am familiar with the facts set forth below.

2. This declaration is submitted in support of defendants' motion for costs pursuant to Federal Rules of Civil Procedure 54, Local Civil Rule 54.1 and 28 U.S.C. §§ 1821, 1920, 1923, and 1924.

3. On May 10, 2010, plaintiff filed the instant action pursuant to 42 U.S.C. § 1983 alleging, inter alia, federal claims of false arrest, malicious prosecution, and denial of a right to a fair trial. In addition, plaintiff alleged a claim of municipal liability against the City of New York, pursuant to Monell v. City of N.Y. Dep't of Social Servs., 436 U.S. 658 (1978).

4. During discovery, defendants incurred costs totaling \$ 1,216.40 to take the deposition of plaintiff Jermaine Nibbs on March 22, 2011. A copy of the deposition invoice is attached as Exhibit "A."

5. The transcript of the deposition of plaintiff Jermaine Nibbs was used at trial and is therefore taxable pursuant to Local Rule 54.1(c)(2).

6. On September 19, 2011, a jury trial commenced before the Honorable Victor Marrero, United States District Judge.

7. On September 22, 2011, the jury returned a verdict in favor of defendants, on all claims. (See Docket Entry No. 47, Judgment Order, dated September 29, 2011, attached as Exhibit "B").

8. Further, defendants are entitled to an additional \$20.00 pursuant to 28 U.S.C. § 1923.

9. Defendants are also entitled to witness fees in the amount of \$40.00 as follows: \$40.00 for nonparty witness Leticia Taveras; and \$40.00 for nonparty witness Lori Ann Farrington. Copies of the related invoices are attached collectively as Exhibit "C."

11. Thus, the total costs pursuant to Local Rule 54.1 incurred by defendants in the defense of this action is \$1,316.40.

12. The aforementioned costs are allowable by law, are correctly stated and were necessarily incurred pursuant to Local Rule 54.1.

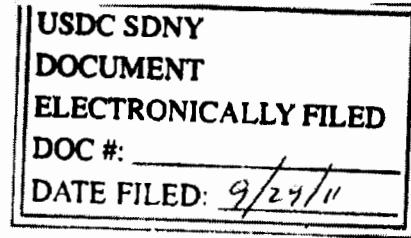
Dated: New York, New York  
October 24, 2011

A handwritten signature in black ink, reading "Brian J. Farrar", written over a horizontal line.

BRIAN J. FARRAR  
Assistant Corporation Counsel



# EXHIBIT B



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
JERMAINE NIBBS,

Plaintiff,

10 CIVIL 3799 (VM)

-against-

**JUDGMENT**

THE CITY OF NEW YORK, et al.,  
Defendants.

-----X

Whereas a jury at the conclusion of trial of this action on September 22, 2011 having rendered a verdict, and the matter having come before the Honorable Victor Marrero, United States District Judge, and on September 23, 2011 having rendered it Order directing the Clerk of the Court to enter judgment dismissing the complaint of plaintiff Jermaine Nibbs against the named defendants, and to terminate any pending motions and close the case, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated September 23, 2011, the complaint of plaintiff Jermaine Nibbs against the named defendants are dismissed; accordingly, the case is closed.

**DATED:** New York, New York  
September 29, 2011

**RUBY J. KRAJICK**

\_\_\_\_\_  
Clerk of Court

BY: \_\_\_\_\_

\_\_\_\_\_  
Deputy Clerk

**THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_**

# EXHIBIT C



# Diamond Reporting, Inc.

16 Court Street • Suite 907 • Brooklyn, NY 11241  
T: 718.624.7200 • F: 718.855.1772 • www.diamondreporting.com

NEW YORK CITY LAW DEPARTMENT  
PIN # 02507X100A17  
100 CHURCH STREET, FISCAL SECTION-ROOM 5-121  
NEW YORK, NY 10007  
RAJU SUNDARAN, ESQ.



INVOICE NO.: 11032210501

INVOICE DATE: 4/5/2011

REPORTER:  
KIYOKO PANZELLA

TAX ID #: 11-266-5545

BILLER ID: SS

NIBBS, JERMAINE VS CITY OF NEW YORK, DET. GEORGE  
GOULART, SGT. EDWARD WYNNE, ETAL  
INDEX NO: 10-CV-3799 FILE NO: 2010-020583-SF

DATE	DESCRIPTION	AMOUNT
3/22/2011	EXAM. BEFORE TRIAL OF THE PLF., JERMAINE NIBBS 328PP ORIGINAL & 2 COPIES - YOUR CHARGE APPEARANCE (AM & PM) YOUR CHARGE CONTROL #: 00000451	I certify that the articles and services specified on this invoice have been received and verified as to the quality and quantity. \$3.65 1,197.20 52.00

SUB TOTAL \$1,249.20

PAID \$0.00

BALANCE DUE \$1,249.20

RECEIVED  
FISCAL UNIT  
NYC LAW DEPT.

2011 APR -6 PM 2:40

**APPROVED**

By Raju Sundaran at 9:05 am, Apr 07, 2011

NYC LAW DEPT.

2011 APR -6 PM 12:18

\*\* PLEASE NOTE PAYMENT TERMS ARE NET 30 DAYS  
WE ACCEPT AMERICAN EXPRESS, VISA AND MASTERCARD.  
PLEASE NOTE INVOICE NUMBER ON YOUR PAYMENT - THANK YOU  
PLEASE RETURN THIS COPY WITH PAYMENT

**VOUCHERED**  
DATE: 04/21/11  
INV. AMT. PAID: \$1249.20  
V# 11-4919  
INV. # 11032210501  
SVS. PERIOD 03/22/11 TO 03/22/11  
DET. OBJ. 6220  
2011/4/9637

Make checks payable to: Diamond Reporting, Inc.

☒ Visa ☐ MC ☐ Amex ☐ Check

Credit Card #:

Exp. Date:

Security Code:

Name on Card:

New York Offices:  
Manhattan, Brooklyn, Bronx,  
Queens, Staten Island,  
Mineola, White Plains  
New Jersey Offices:  
Englewood Cliffs, Marlton

AO 88 (11/91) Subpoena in a Civil Case

**United States District Court****SOUTHERN****DISTRICT OF****NEW YORK****Jermaine Nibbs****SUBPOENA IN A CIVIL CASE****V.****CASE NUMBER: 10CV3799****Undercover #77, et al.**

TO: Leticia Taveras  
 F-E-G-S- WeCARE  
 315 Hudson Street  
 New York, New York 10013

☒ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case

PLACE OF TESTIMONY Southern District of New York 500 Pearl Street New York, NY 10007	COURTROOM 20 B, Hon. Victor Marrero DATE AND TIME Tuesday, Sept. 20, 2011 at 10:00 a.m.
---	--

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

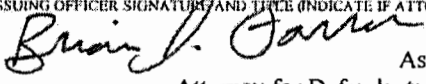
☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Assistant Corporation Counsel Attorney for Defendants	DATE 9/12/11
--	-----------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Brian J. Farrar  
 N.Y.C. Law Department, 100 Church Street  
 New York, New York 10007 (212) 788-0467

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

1080593

**CITY OF NEW YORK**  
LAW DEPARTMENT  
EXPENSE IN RE EMPLOYEES, WITNESSES ETC.  
NEW YORK OFFICE  
NEW YORK, NY

THE CHASE MANHATTAN BANK  
NEW YORK, NY 10038

1-2/210 9/6/2011

PAY TO THE ORDER OF Leticia Taveras \$ \*\*40.00

Forty and 00/100 DOLLARS

Leticia Taveras  
F-E-G-S WeCARE  
315 Hudson Street  
New York, NY 10013

MEMO JERMAINE NIBBS

CITY OF NEW YORK, LAW DEPARTMENT  
EXPENSE IN RE EMPLOYEES, WITNESS, ETC. NEW YORK OFFICE

*Renald Apple*  
277

VOID AFTER 90 DAYS

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - HRP IMAGE DISAPPEARS WITH HEAT

1080593 0210000210221015035

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE  
RESERVED FOR FINANCIAL INSTITUTION USE

ENDORSE HERE  
*Leticia Taveras*

1080593 0210000210221015035

AO 88 (11/91) Subpoena in a Civil Case

**United States District Court**

SOUTHERN

DISTRICT OF

NEW YORK

Jermaine Nibbs

**SUBPOENA IN A CIVIL CASE**

V.

CASE NUMBER: 10CV3799

Undercover #77, et al.

TO: ADA Lori Ann Farrington  
 Office of the District Attorney, Bronx County  
 198 East 161st Street  
 Bronx, New York 10451

☒ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case

PLACE OF TESTIMONY Southern District of New York 500 Pearl Street New York, NY 10007	COURTROOM 20 B, Hon. Victor Marrero DATE AND TIME Tuesday, Sept. 20, 2011 at 10:00 a.m.
---	--

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

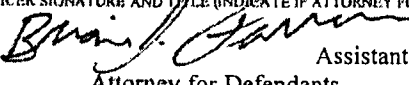
☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Assistant Corporation Counsel Attorney for Defendants	DATE 9/12/11
--	-----------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Brian J. Farrar  
 N.Y.C. Law Department, 100 Church Street  
 New York, New York 10007 (212) 788-0467

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

3-207B



CITY OF NEW YORK  
LAW DEPARTMENT  
EXPENSE IN RE EMPLOYEES, WITNESSES ETC.  
NEW YORK OFFICE  
NEW YORK, NY

THE CHASE MANHATTAN BANK  
NEW YORK, NY 10038

1-2/210

9/13/2011

PAY TO THE  
ORDER OF

ADA Lori Ann Farrington

\$ \*\*40.00

Forty and 00/100

DOLLARS

ADA Lori Ann Farrington  
Office of the District Attorney  
Bronx County  
198 E. 161st Street  
Bronx, NY 10451  
MEMO  
JERMAINE NIBBS

CITY OF NEW YORK, LAW DEPARTMENT  
EXPENSE IN RE EMPLOYEES, WITNESS, ETC., NEW YORK OFFICE

*Lynn*  
*Roman P. Appie*  
VOID AFTER 90 DAYS

1080602 0210000210221015035

11 SEP 13 AM 10:01  
NEW YORK LAW DEPARTMENT